

Pedigo, Scarborough, Superviele, Taylor of Houston, Truit and White, 17.

NAYS—Messrs. Burroughs, Grimes, McCulloch, Martin, Millican, Pirkey, Potter, Russell, Scott, Taylor of Cass, Weatherford, Whitaker, and Wren, 13.

Mr Taylor of Houston was excused from serving on committee to investigate land claims, West of the Nueces.

On motion of Mr Superviele, Mr Burroughs was added to the committee on counties and county boundaries.

Mr Martin moved to take up bill to quiet land titles; lost.

ORDERS OF THE DAY.

Report of the committee on education, on a bill to provide for the investment of the special school fund, in the bonds of of Railroad companies incorporated by the State, offering a substitute therefor, being the special order of the day, was taken up and read.

Mr Hill moved to adjourn till 3 o'clock, P. M.; carried.

3 o'clock, P. M.

The Senate met—roll called—quorum present.

The first reading of the code of civil procedure was resumed, and concluded. Bill read second time, and on motion of Mr Guinn, referred to the committee on the Judiciary.

On motion of Mr Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Dec. 18th, 1855.

The Senate met—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Taylor of Fannin, moved the suspension of the regular order of business, and offered the following resolution:

Resolved, That the order of the Senate, forbidding the admittance of the citizens to the floor of the Senate chamber, be abrogated and rescinded.

Mr Taylor of F, moved the further suspension; carried, and the resolution adopted.

Mr Potter presented the petition of Leslie Combs; referred to the committee on Public Debt.

Mr Hill, chairman of the committee on claims and accounts, to which was referred a bill to provide for the payment of the six companies of mounted volunteers, mustered into the service of the State of Texas, on the first day of November, 1854, and to provide for the payment of the balance of expenses incurred by said companies, reported the same back for the consideration and action of the Senate.

Mr Taylor of Fannin, chairman of the committee on Private Land Claims, made the following report :

The committee on Private Land Claims, to which was referred the petition of the heirs of Charles S. Hardwick, deceased, have considered the same, and find that the said Charles S. Hardwick emigrated to Texas in 1835, from the State of Mississippi, as a volunteer; that after arriving in the Republic he attached himself to the command of Col. J. W. Fannin, and went with said command to Goliad, where he was cruelly massacred by the Mexican army; that he or his heirs have never received a headright certificate, as appears from the certificate of the Commissioner of the General Land Office; neither have they received warrants for his bounty and donation land. The committee have therefore, instructed me to report the accompanying bill, and recommend its passage.

A bill for the relief of the heirs of Charles S. Hardwick—read first time.

Mr Hill, chairman of the committee on claims and accounts, which was referred to the memorial of E. W. Moore, reported the same back, recommending that it be referred to the committee on the Public debt—rule suspended, and memorial referred to the committee on Public debt.

Mr Potter chairman of the committee on the Judiciary, to which was referred a joint resolution granting leave of absence to Judge Joel L. Ankrum, from the State of Texas, reported the same back with a substitute and recommended the adoption of the substitute and the passage of the bill.

Mr Potter chairman of the same committee reported that in compliance with the provisions of the resolution adopted yesterday by the Senate, the committee have employed W. D. Herring to act as Secretary for that committee, and to discharge such other duties as are provided for by said resolution.

Mr Whitaker chairman of the committee on private land claims No. 2, reported that the said committee have had under consideration a bill for the relief of John Sparks, and find that an unconditional certificate issued for 640 acres of land, when the records and proofs show that it should have issued for 1280 acres, and therefore return the bill recommending its passage.

Mr White from the committee on claims and accounts, to which was referred the petition of Brent Clark, reported the committee to be of the opinion, that the subject of the petition does not properly belong to that committee, and hence return it back recommending its reference to the committee on private land claims No. 2—the rule was suspended and report adopted.

Mr Pirkey from the committee of private land claims No. 2, to which was referred the petition of W. E. Jones, administrator of W. C. Clopton dec'd, reported that the committee have examined the same and finding no cause for legislative action upon it, recommend its indefinite postponement.

Mr Potter chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill to amend the 4th section of an act incorporating the Galveston and Brazos Navigation company, approved Feb'y 8th 1850, and direct me to return the same to the Senate, and recommend its passage. The only change of the original charter proposed by the bill is to reduce the number of directors of the company from thirteen to seven, and this change is recommended on the petition of the Stockholders of the company holding about forty thousand dollars of the stock and the object of the change is to facilitate the transaction of the business of the company—the directory being now so large that it is found difficult to convene the necessary number at the proper time for the transaction of business.

Mr McCulloch moved to suspend the regular order of business and take up the regular orders of the day—carried.

Report of the committee on Education on the bill to provide for the investment of the special school fund in bonds of Rail Road companies incorporated by the State, offering a substitute therefore, was taken up, read and the substitute adopted.

Mr Taylor of Fannin offered the following amendment to come in at the end of Sec. 2d : provided that one half of said fund shall be loaned to companies whose works lie on the East side of the Trinity river, and the residue to companies, whose works lie West of said river—adopted by the following vote :

YEAS.—Messrs. Allen, Burrongs, Flanagan, Guinn, Hill, Lott, Martin, Pedigo, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Fannin, Trout, Weatherford, Whitaker, and Wren, —17.

NAYS.—Messrs. Armstrong, Bryan, Caldwell, Grimes, McDade, Maverick, Millican, Palmer, Potter, Scarborough, and White, —11.

Mr Palmer offered the following amendments.

1st. In the 5th line, 1st Section, after "schools," add "and such other amounts as may be hereafter added to said fund."

2d. In the 9th Section, 5th line, after "March," add, "out of the first receipts arising from said roads, independent of any expenses or other liabilities of said roads."

3d. Sec. 17. That it shall be the duty of any Railroad company receiving the benefits of this act, to make through its

proper officers an annual report under oath to the Governor, containing a full and complete statement of the affairs of said company, together with the receipts, expenditures and liabilities of said company, and with such other facts as may be required under the general laws regulating Rail Roads and Rail Road companies.

All of which were adopted.

Mr Scott offered the following amendment:

That the Governor, Comptroller and Attorney General shall *ex-officio*, constitute a Board of School Commissioners, and strike out "with the approbation of the Governor," wherever it occurs in the bill, and that no one of said commissioners shall ever be interested in the said investment, either directly or indirectly:

Mr White offered the following as a substitute.

Strike out "that the Comptroller Attorney General and Commissioner of the General Land Office," and insert, "that the Governor, Comptroller and Commissioner of the General Land Office,—lost.

The question recurring upon Mr. Scott's amendment, on motion of Mr Burroughs, it was divided. The first proposition in said amendment was adopted; the second proposing to strike out "with the approbation of the Governor," where it occurs in the bill, adopted by the following vote:

YEAS.—Messrs. Allen, Armstrong, Caldwell, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Russell, Scott, Taylor of Cass, Taylor of Fannin, and Truit—22.

NAYS.—Messrs. Bryan, Burroughs, Hord, McDade, Scarborough, Superviele, Weatherford, Whitaker, White, and Wren,—10.

A message was received from the House, informing the Senate, that the House had passed a Senate bill entitled an act to create the 16th Judicial District, and to define the times of holding courts therein.

Mr. Martin offered the following amendment:

After commissioners in the first section, insert "and that they shall make the annual report of all matters and things connected with said company and said investment to the Legislature."

Mr. Palmer offered the following as a substitute, "which shall be laid before the Legislature at each and every session thereof—adopted—the amendment was then adopted.

Mr Scott offered the following amendments:

13th Sec. Strike out from the 5th line the word "State" and insert "Board of School Commissioners." Strike out from 3d line on 5th page the word "State," and insert "Board of School Commissioners."

14th Sec. Strike out of the 2d line, the words "State and," all of which were severally adopted.

Mr Potter offered the following amendment. In 3d line of sec. 2d, after the word "value" insert the words "including premium." In the same line, Strike out the words "otherwise at par." On motion of Mr Palmer there was a division of the question.

Mr McCulloch offered the following amendment as a substitute for Mr Potter's amendment. In second sec. 3d line, after the words "current value" and before the word "provided," insert "including such premium as they are worth in market."—rejected.

The question recurring upon Mr Potter's amendment, the proposition to insert was adopted and that to strike out, rejected.

Mr White offered the following amendment: amend the fourth line in the 4th sec. so as to read—"section of 25 miles at the terminus of the road next to, and connected with shipping depot, or external terminus."

Mr Potter offered the following as a substitute therefor. In 4th line of sec. 4 strike out the following words: "at either terminus"—adopted—the amendment was then adopted.

Mr Burroughs then offered the following amendment, to come in at the end of sec. 2d. And further provided that the Treasurer shall make a pro rata distribution of the five per cent indemnity bonds, belonging to said special school fund, among the several counties, according to the number of children of scholastic age in each county, and for this purpose he shall keep a book, in which he shall register the names of the several counties the number of children of scholastic age in each county, and the amount due; and upon the application of the chief Justice of any county by any legally incorporated Rail Road company in this State to borrow the money to which the county is entitled under the distribution aforesaid, the chief Justice shall order an election to be holden in the county, and the voter shall write on his ballot, "loan" or "no loan," or other words showing the intention of the voter. Said election shall be considered and returns made in all respects as other elections. The chief Justice shall compare and count the votes cast, and should a majority be in favor of the loan, he shall certify that fact to the Governor of the State under the seal of the county; whereupon the company or corporation shall be entitled to borrow the amount to which said county may be entitled in accordance with the provisions of this act; and in no case shall any loan be made, except as provided for in this section.

On motion of Mr Palmer the amendment was laid on the table by the following vote:

AYES.—Messrs. Bryan, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Palmer, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Truit, and Weatherford,—19.

NAYS.—Messrs. Armstrong, Burroughs, Martin, Millican, Taylor of Cass, Taylor of Fannin, Whitaker, White, and Wren,—9.

Mr Pirkey offered the following amendment, to come in, in the 12th line of the 3d sec., "And all the land, which such company may become entitled to, from the State."

On motion of Mr Palmer, laid on the table by the following vote :

YEAS.—Messrs. Allen, Bryan, Flanagan, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Potter, Russell, Scarborough, Scott, Superviele, Truit, Whitaker, and White,—19.

NAYS.—Messrs. Armstrong, Burroughs, Grimes, Martin, Pedigo, Pirkey, Taylor of Cass, Taylor of Fannin, Weatherford and Wren,—10.

On motion of Mr Potter the 9th sec. of the bill was amended by inserting in 6th line before the word "bonds" the word "confer."

On motion of Mr Potter, the 10th sec. of the bill was amended by striking out in the 2d line the words "shall be cancelled as required in sec. 9th of this act," and inserting the words "when so paid shall be cancelled and delivered up."

Mr Armstrong moved to amend by striking out "ten" before years, and inserting "two" in 2d sec.

On motion of Mr Hill, the amendment was laid on the table by the following vote :

YEAS.—Messrs. Allen, Bryan, Caldwell, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Pedigo, Pirkey, Russell, Scarborough, Scott, Superviele, Taylor of Cass, Truit, Weatherford, Whitaker, and White,—25.

NAYS.—Messrs. Armstrong, Burroughs, Hord, Martin, and Wren,—5.

Mr Grimes moved to amend sec. 2d by striking out "ten" and inserting "six."

Mr McCulloch moved a division of the question—carried.

Motion to strike out, lost by the following vote :

YEAS.—Messrs. Armstrong, Burroughs, Grimes, Hord, Martin, Weatherford, and Wren,—7.

NAYS.—Messrs. Allen, Bryan, Caldwell, Doane, Flanagan, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican,

Palmer, Pirkey, Russell, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Truit, Whitaker, and White,—23.

Mr Armstrong offered a substitute for the 3d sec. as follows:

"That said Board of Commissioners shall be composed of the Governor, Attorney General and Comptroller, and said Board is hereby authorized to loan said fund to any such company, or to any person building a Rail Road in this State, six thousand dollars for every mile of Rail Road actually completed to the extent of fifty miles, said loan to be secured by the Bonds of such company or persons, for said principal and interest, to be approved by said board, for the use of the Board of school Commissioners and agents; said Bonds to be executed in the name of such company or persons to the State for the use aforesaid, and which bonds shall constitute a lien absolute upon the property of the individual members of such company or persons, and such other property in kind, value and amount, as the said board shall think necessary to require as such security and liens; and the State of Texas, upon the execution of said security and lien, for the use aforesaid shall be invested with such security and lien, without registration or suit brought by the State for the use aforesaid.

On motion of Mr Palmer, the substitute was laid on the table, by the following vote:

YEAS—Messrs. Allen, Bryan, Flanagan, Grimes, Guinn, Hill, Lott, McDade, Millican, Palmer, Scott, Superviele, Taylor of Houston, Truit, Whitaker and White, 16.

NAYS—Messrs. Armstrong, Burroughs, Hord, Martin, Pirkey, Potter, Russell, Taylor, of Cass, Weatherford, and Wreh, 10.

On motion of Mr Taylor of Cass, the Senate adjourned till 3 o'clock, P. M.

3 o'clock, P. M.

Senate met—roll called—quorum present.

The Loan bill being under consideration when the Senate adjourned, was taken up, and on motion of Mr Taylor of Cass, the 4th section of the bill was amended, by inserting after the word "Railroad," in the 8th line, the words "whose entire length is not twenty-five miles, or."

Mr Martin moved to amend, by inserting in the 2d line of the 15th section the words, "unless said franchise was not vested by two-thirds vote of both Houses of the Legislature."

On motion of Mr Palmer the amendment was laid on the table.

On motion of Mr Palmer, the 13th section was amended by

adding, after the word "be," in the 5th line, the words "to take immediate possession of, and."

Mr Martin offered the following, as a substitute for the 4th section :

"Said board of Commissioners shall loan the sum of six thousand dollars per mile to any individual company or companies who shall commence and construct a railway, commencing on or near the navigable waters of Buffalo bayou, to run northward, traversing in a central direction, between the Trinity and Brazos rivers to the 32d parallel of North latitude, thence north-east, crossing the Trinity river at the town of Dallas, to Preston on Red river. Another trunk shall run from the first railway connection, from the State of Louisiana, and a trunk to run from Fulton, Arkansas, forming a junction at Bazett, on the Trinity, and with a single track on the parallel of 32 degrees to El Paso, and another trunk shall run from Matagorda Bay to the city of Austin, with a branch leaving said last trunk at any convenient point, to the city of San Antonio; each of said railways to be laid with single track, and ready for actual use, (a continuous section of ten miles, at either terminus) of the said road of said company or individuals, and the same amount per mile for every consecutive section until the completion of said road by said company or individuals."

On motion of Mr Flanagan, the amendment was laid on the table.

On motion of Mr Potter, the 15th section was amended by inserting after the word "acres" in the 5th line, the word "each."

On motion of Mr Bryan, the 13th section was amended by adding—"The said board of School Commissioners shall retain in the treasury of the State, to the credit of the school fund, five per cent of the United States' bonds of all sums loaned, as provided for in this act, as a sinking fund to be used for the pro rata appropriation, annually due to the several counties for school purposes; in the event of the interest due to the school fund, after the sale of any Railroad, shall not be paid by said road."

Mr Martin moved to amend the bill by adding—"Said corporations may engage in, and appropriate one-half of the money appropriated by the provisions of this act, to be employed in clearing out the Trinity, Brazos and Colorado rivers."

On motion of Mr Russell, laid on the table.

Mr Martin offered the following amendment to the bill :

"Provided, that previous to any loan of money being made by the State, under this act, the Governor shall submit said

proposition to the people at the next regular election for State or county officers, and if a majority of the qualified voters of the State shall vote for the loan, then such loan may be made under the provisions of this act, and not otherwise."

Mr White moved the previous question. Carried by the following vote:

YEAS—Messrs. Allen, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, Maverick, Palmer, Pirkey, Scarborough, Scott, Superviele, Taylor of Houston, Truit and White, 18.

NAYS—Messrs. Armstrong, Barroughs, Doane, McDade, Martin, Millican, Pedigo, Potter, Russell, Taylor of Cass, Weatherford, Whitaker and Wren, 13.

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Bryan, Caldwell, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Fannin, Taylor of Houston, Truit, Whitaker and White, 25.

NAYS—Messrs. Armstrong, Burrroughs, Martin, Pedigo, Taylor of Cass, Weatherford and Wren, 7.

A message was received from the House, informing the Senate that the House had passed a bill, originating in that body, supplemental to an act to provide for the assessment and collection of taxes, and also a bill originating in the Senate making an appropriation of \$10,000, to defray the contingent expenses of the 6th Legislature, with the following amendment: Insert after dollars, in the 2d line of the 1st section, "or so much thereof as may be necessary."

Mr Allen, by leave, presented the petition of Sherwood Rowland: referred to the committee on Public Lands.

Mr Allen, from the committee on Enrolled Bills, made the following report:

The joint committee on Enrolled Bills have examined a bill entitled, an act to make an appropriation to pay volunteers; also a bill entitled, an act to incorporate the town of La Grange, in the county of Fayette; also an act to fix the salary of the Governor; and also an act to regulate the sessions of the Supreme Court, and find the same correctly enrolled, properly signed, and they have been presented to the Governor.

Mr Taylor of Fannin, moved a reconsideration of the vote engrossing a bill to provide for the investment of the special school fund, in the bonds of Rail Road Companies, incorporated by the State; lost.

A message was received from the House, informing the Senate that the House had passed a bill (originating in the Senate) to create the 16th Judicial District and define the time of holding courts therein, with amendments.

On motion of Mr Allen, the bill was taken up and amendments concurred in.

On motion of Mr Hill, the resolution passed by the House to appoint a joint select committee to make arrangements for the inauguration of the Governor and Lieut. Governor elect, was taken up and a committee ordered to be appointed on the part of the Senate.

Messrs. Bryan, Pirkey, and Superviele were appointed said committee.

A bill for the relief of the Buffalo Bayou, Brazos and Colorado Railway company, or their assignees in certain cases, together with the substitute offered by Mr Taylor of Fannin, was read and substitute adopted.

On motion of Mr Palmer, the bill was amended by striking out "June 1856," and inserting "January 1857." The bill was then ordered to be engrossed.

On motion of Mr McCulloch, the rule was suspended, bill read a third time and passed.

A bill for the relief of Valentine T. Dalton, read third time and passed.

A bill for the relief of the heirs of John Baily; read third time and passed.

A bill for the relief of James Lamb; read third time and passed.

A bill for the relief of Ira B. Dement; read third time and passed.

On motion of Mr Martin, the Senate adjourned till 9 o'clock, A. M., to-morrow morning.

WEDNESDAY, December 19th, 1855.

The Senate was called to order pursuant to adjournment.

Prayer by the Chaplain—roll called—quorum present. The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate of the adoption of the following resolution:

Resolved, That with the concurrence of the Senate, a committee of five, three from the House and two from the Senate be appointed by the presiding officers of each House, whose duty it shall be to visit the Penitentiary at Huntsville, and examine into the condition of the same and report to the legislature during its present session.